

BETTY NICHOLE GORE HVAMSTAD : 3rd JUDICIAL DISTRICT COURT

VS. NO. 2022-_____, DIV. ____ : PARISH OF LINCOLN

NATIONAL INTERSTATE INSURANCE COMPANY, PAFFORD EMERGENCY MEDICAL SERVICES, INC., ELIZABETH HILL : STATE OF LOUISIANA

Lincoln
Filed May 26, 2022 3:56 PM
Laura Barmore
Deputy Clerk of Court

C-62368
UNASSIGNED

E-File Received May 26, 2022 3:09 PM

FILED: _____ :

DEPUTY CLERK

PETITION FOR DAMAGES

Petitioner, **BETTY NICHOLE GORE HVAMSTAD** a person of the age of majority who is a resident of, and domiciled in Kountze, Hardin County, State of Texas, hereby brings this action for damages arising out of an automobile collision that occurred on January 31, 2022, with respect represents the following:

1.

Made defendants herein are:

- a) **ELIZABETH HILL**, a resident and domiciliary of Lincoln Parish, Louisiana who may be served at 2248 Highway 151, Downsville, LA 71234;
- b) **NATIONAL INTERSTATE INSURANCE COMPANY**, a foreign insurance company, authorized to do and doing business in the State of Louisiana, having appointed as its agent for service of process, the Louisiana Secretary of State, 8585 Archives Avenue, Baton Rouge, Louisiana 70809; and
- c) **PAFFORD EMERGENCY MEDICAL SERVICES, INC.** (“Pafford”) a business corporation, whose principal place of business is located at 5615 Corporate Boulevard, Suite 400 B, Baton Rouge, Louisiana, having appointed as its agent for service of process, CT Corporation System, 3867 Plaza Tower Drive, Baton Rouge, Louisiana, 70816;

who are justly and truly indebted unto petitioner, jointly and in solido, for the following reasons, to-wit:

EXHIBIT A

2.

Venue is proper in Lincoln Parish, State of Louisiana under LSA-C.C.P. arts. 42, 73, and LSA-R.S. 13:3203. Jurisdiction is proper over “Pafford”, and thus their insurers (as authorized and doing business in Louisiana), pursuant to LSA-R.S. 13:3201 as “Pafford” i) transacted business within the State of Louisiana, ii) contracted to supply services and/or things within the

State of Louisiana; iii) caused injury and/or damage by an offense or quasi offense committed through an act or omission in the State of Louisiana, iv) caused injury and/or damage in the State of Louisiana through an act or omission outside of the State of Louisiana and “Pafford” has regularly performed services and done business within the State of Louisiana by their purposeful and persistent course of conduct in which the entity has derived revenue from the goods and services rendered within the State of Louisiana.

3.

Plaintiff, **BETTY NICHOLE GORE HVAMSTAD**, is a person over the age of majority who is a resident and domiciliary of Hardin County, Texas whose husband, James Vernon Hvamstad, was killed in the accident of January 31, 2022.

4.

On the morning of January 31, 2022, around 5:00 o’clock am, **JAMES VERNON HVAMSTAD** was driving his vehicle, a 1992 Jeep Wrangler, in a westerly direction on I-20 near Exit 83 (Tarbutton Road) in Ruston, Louisiana, with Joshua Bass as a passenger in the front seat of the subject vehicle. Suddenly and without warning, an emergency medical transport vehicle, an ambulance, 2018 Ford F350 Econoline Ambulance, owned by **PAFFORD EMERGENCY MEDICAL SERVICES, INC.** and being driven also in a westerly direction on I-20 by **ELIZABETH HILL**, in the course and scope of her employment with **PAFFORD EMERGENCY MEDICAL SERVICES, INC.** struck James Vernon Hvamstad’s vehicle from behind.

5.

As a result, and the force of the collision described hereinabove, the subject vehicle flipped over and caught on fire. **JAMES VERNON HVAMSTAD**, was thrown into and about the interior of the Jeep he was driving, causing severe injuries and burns to **JAMES VERNON HVAMSTAD** which resulted in his death. Petitioner alleges that the collision was caused by the negligence of **ELIZABETH HILL** and the failure to properly maintain control of the ambulance involved in the collision.

6.

Upon information and belief, the ambulance was owned by defendant, **PAFFORD EMERGENCY MEDICAL SERVICES, INC.** on the date of the accident and Defendant, **NATIONAL INTERSTATE INSURANCE COMPANY**, had in effect at the time of the collision described hereinabove a policy of liability insurance issued to defendant, **PAFFORD EMERGENCY MEDICAL SERVICES, INC** covering the ambulance at the time of the accident, and, under the terms of this liability insurance policy defendant, **NATIONAL INTERSTATE INSURANCE COMPANY**, is bound to pay for any damages arising out of the operation, maintenance or use of the ambulance being driven by **ELIZABETH HILL** at the time of the accident, and indemnifies against all liabilities arising out of the negligent operation, maintenance or use of the vehicle under the circumstances of this accident.

7.

At all times material hereto, defendant, **ELIZABETH HILL**, was acting in the course and scope of her employment with **PAFFORD EMERGENCY MEDICAL SERVICES, INC.** and these defendants are vicariously liable either individually or in concert for damages sustained in this collision under the theory of *respondent superior* or other applicable law.

8.

JAMES VERNON HVAMSTAD in no way contributed to the accident and had no opportunity to avoid the resulting injuries, death and damages, and was in no way at fault, and the accident and resulting injuries and damages were caused by the fault and negligence of **ELIZABETH HILL**, driver of the ambulance, some of which acts of negligence consisted primarily of, but not limited to, the following acts or omissions and/or commissions, to-wit:

- a) Striking **JAMES VERNON HVAMSTAD**'s vehicle in the rear on a straight and level Interstate Highway, as it was legally proceeding in a westerly direction on I-20 in Ruston, Lincoln Parish, Louisiana;
- b) Driving in a careless and inattentive manner, in disregard for the safety of other motorists traveling on I-20 in Ruston, Lincoln Parish, Louisiana;
- c) Failing to slow and/or adjust her speed before striking the rear of **JAMES VERNON HVAMSTAD**'s vehicle that was proceeding in front of her on I-20 in Ruston, Lincoln Parish, Louisiana;
- d) Driving at an excessive rate of speed on very busy and heavily traveled I-20 in Ruston, Lincoln Parish, Louisiana;

- e) Failing to keep a proper lookout at all times prior to and at the moment of the collision;
- f) Failing to keep her vehicle under proper control and apply her brakes timely in order to avoid colliding with the rear of **JAMES VERNON HVAMSTAD**'s vehicle;
- g) Failing to see what she should have seen and do what she should have done in order to avoid the accident;
- h) Failing in general to exercise due care under existing circumstances; and
- i) Other acts and omissions of negligence to be shown at the trial of this matter.

9.

Due to the negligence of the defendants, **JAMES VERNON HVAMSTAD** suffered severe emotional and physical injuries before burning to death. Petitioner, **BETTY NICOLE GORE HVAMSTAD**, is entitled to and does hereby assert a survival action for these damages.

10.

Petitioner, **BETTY NICOLE GORE HVAMSTAD**, is entitled to wrongful death damages as a result of the loss of her husband, medical and funeral expenses, loss of love and affection, grief, loss of support, nurture, loss of services, society and consortium.

11.

Plaintiffs each seek damages that exceed \$10,000, excluding interest, court costs, attorney fees and seek all damages that are reasonable in the premises.

12.

Petitioner desires and is entitled to have the attached Interrogatories, Request for Production of Documents, and Request for Admissions made a part hereof, filed of record and served upon defendants simultaneously with the Petition for Damages, with each defendant required to produce the information and documents within the time delays provided by law.

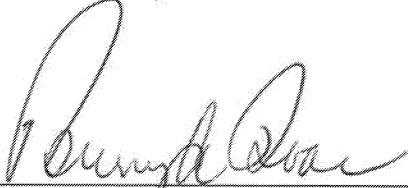
WHEREFORE, Plaintiff, **BETTY NICOLE GORE HVAMSTAD**, prays that Defendants be served with a copy of this petition and duly cited to appear and answer same and that after due proceedings are had, there be judgment herein in favor of Plaintiff and against Defendants, **ELIZABETH HILL, PAFFORD EMERGENCY MEDICAL SERVICES, INC.** and **NATIONAL INTERSTATE INSURANCE COMPANY** for damages as are reasonable in the premises, and for all costs of these proceedings and interest from date of judicial demand; and

PLAINTIFF FURTHER PRAYS for all general and equitable relief that can be afforded to herby this Honorable Court, under the laws of the State of Louisiana.

RESPECTFULLY SUBMITTED:

LARRY A. ROACH, INC.

By: _____


BARRY A. ROACH (#21838)
MICHAEL H. SCHWARTZBERG (#17786)
2917 Ryan Street
Lake Charles, LA 70601
Tel. : (337) 433-8504
Fax : (337) 433-3196
broach@larryaroachinc.com
mschwarzberg@larryaroachinc.com
Attorneys for Plaintiff

PLEASE SERVE:

ELIZABETH HILL
2248 Highway 151
Downsville, LA 71234

NATIONAL INTERSTATE INSURANCE COMPANY
Through Louisiana Secretary of State
8585 Archives Avenue
Baton Rouge, Louisiana 70809;

PAFFORD EMERGENCY MEDICAL SERVICES, INC.
Through appointed agent for service of process
CT Corporation System
3867 Plaza Tower Drive
Baton Rouge, Louisiana 70816

BETTY NICHOLE GORE HVAMSTAD : 3rd JUDICIAL DISTRICT COURT

VS. NO. 2022-_____, DIV. ____ : PARISH OF LINCOLN

NATIONAL INTERSTATE INSURANCE COMPANY, PAFFORD EMERGENCY MEDICAL SERVICES, INC., ELIZABETH HILL : STATE OF LOUISIANA

FILED: _____

Lincoln
Filed May 26, 2022 3:56 PM
Laura Barmore
Deputy Clerk of Court
E-File Received May 26, 2022 3:09 PM

C-62368
UNASSIGNED

DEPUTY CLERK

REQUEST FOR WRITTEN NOTICE
OF ASSIGNMENT AND WRITTEN NOTICE
OF ANY ORDER OR JUDGMENT MADE OR RENDERED

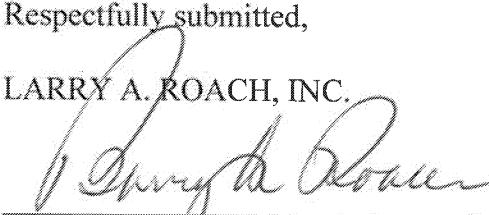
TO: Honorable Linda Cook
Clerk of Court
3rd Judicial District Court
Parish of Lincoln
Ruston, Louisiana

In accordance with the provisions of LSA-C.C.P. 1571 and 1572, you are hereby requested to give the undersigned, as counsel for plaintiffs in the above captioned matter, written notice, by mail, ten days in advance of any date fixed for trial or hearing of the case, whether on exception, rules or the merits thereof.

In accordance with the provisions of LSA-C.C.P. 1913 and 1914, you are hereby additionally requested to send us immediate notice of any order or judgment made or rendered in this case on the entry of such order or judgment.

Respectfully submitted,

LARRY A. ROACH, INC.


BARRY A. ROACH (#21838)
MICHAEL H. SCHWARTZBERG (#17786)
2917 Ryan Street
Lake Charles, Louisiana 70601
Telephone: (337) 433-8504
Facsimile: (337) 433-3196
Counsel for Plaintiff